

Cabinet Meeting		Agenda Item: 11
Meeting Date	15 March 2017	
Report Title	Award of Contract - Beach Lifeguard Service in Swale	
Cabinet Member	Cllr David Simmons, Cabinet Member for Environmental and Rural Affairs	
SMT Lead	Dave Thomas, Head of Commissioning and Customer Contact	
Head of Service	Dave Thomas, Head of Commissioning and Customer Contact	
Lead Officer	Martyn Cassell, Leisure and Technical Services Manager	
Key Decision	Yes	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	<p>1. To note the procurement process undertaken and approve the award of the beach lifeguard service to the RNLI for a period of 5 years (and option of 2 year extension).</p> <p>2. To delegate authority to the Head of Commissioning and Customer Contact and Head of Legal, in consultation with the Cabinet Member for Environmental and Rural Affairs, to negotiate the terms and conditions and complete the contract award.</p>	

1 Purpose of Report and Executive Summary

- 1.1 This report explains the history of the Beach Lifeguard service in Swale and details the recent procurement process that has been undertaken.
- 1.2 The report makes recommendations for the award of a new 5 year contract.

2 Background

- 2.1 The Council's Beach Lifeguard Service has been delivered by the Royal National Lifeboat Institution (RNLI) for the last four years. The service includes the provision of water safety services at Leysdown, Minster Leas and Sheerness, to minimise the risk of death or injury for residents and visitors alike, using a combination of appropriate signage and formal lifeguard patrols/viewing stations.

- 2.2 Whilst this is a discretionary service, it has a number of benefits. For example, the service is a requirement for the Blue Flag and Quality Coast Awards which are currently held in Minster, Leysdown and Sheerness. The service also brings benefits to local tourism and safety of the community. This is all the more important given the terrible incidents of beach drownings last summer.
- 2.3 The four year contract ending March 2017 was awarded to the RNLI via a waiver as they were the only organisation to respond to the tender process back in October/November 2012. They demonstrated the ability to deliver the core specification summarised in section 2.4 and also provided added value by only charging for the cost of the staffing structure, with the provision of their stations and equipment funded via their charitable activities.
- 2.4 The contract specification includes;
- Recruitment of trained lifeguards, provision of equipment and up to 3 operational bases from the first weekend of May to first weekend of September. The cover will be for weekends during term time and 7 days a week during school holidays and including bank holidays.
 - On-going commitment to training for all operational staff and managers.
 - Provision, delivery and monitoring of lifeguarding services at the designated locations.
 - Conducting beach risk assessments and supporting the content and placement of water safety signage associated with the service and the Council's Quality Assurance Awards.
- 2.5 Continuous monitoring of the contract and feedback from beach users has highlighted the high quality performance of the RNLI. However as per the Council's Contract Standing Orders, we are required to re-tender the service.
- 2.6 The RNLI hold multiple beach lifeguard contracts across the whole of the Country and continue to provide the other main service in Kent on Thanet's beaches.
- 2.7 Research of possible other contractors was undertaken in late 2016. Canterbury City Council continues to deliver their service in-house. An informal approach was made to see if they would be interested in tendering. They are able to deliver the service efficiently relying on consistent and experienced staff as the service is small. They felt they were unable to manage another service without increasing resources and declined to tender. Swale Community Leisure who provide swimming pool lifeguards at our leisure centres were also approached. They felt they could not provide a competitive proposal at this time. Finally web research only highlighted smaller companies offering pool lifeguard services for parties or events.
- 2.8 Legal and procurement advice was sought and the option of issuing a Voluntary ex ante transparency notice (VEAT) was agreed. This notice is published in the OJEU detailing all of the key contract information (value, dates, specification)

stating an intention to award the contract to the RNLI without a full tender process. It offers other organisations the chance to challenge the decision of a direct award. If challenges are received then a formal tender is required. The VEAT was advertised on OJEU for the required period submitted on 19th January 2017 and closed on 7th February 2017. No challenges were received.

- 2.9 The intention in the notice was to offer a 5 year contract with an option of a further 2 years subject to satisfactory performance. The RNLI use a standard contract for all of their contracts with local authorities in the country. The leisure team would work with legal to agree the terms of the contract and ensure that Swale's standard contract clauses are inserted or replicated.

3 Proposals

- 3.1 To note the procurement process undertaken and approve the award of the beach lifeguard service to the RNLI for a period of 5 years (and option of 2 year extension).
- 3.2 To delegate authority to the Head of Commissioning and Customer Contact and Head of Legal, in consultation with the Cabinet Member for Environmental and Rural Affairs, to negotiate the terms and conditions and complete the contract award.

4 Alternative Options

- 4.1 **Option 1:** Return to delivery of the service in-house. If this option is taken forward, the Council would miss out on the opportunity for the added value that the RNLI provide. There is no longer the capacity in the leisure team to manage the service and we would likely to encounter the risk of not being able to recruit suitably qualified staff in order to provide an adequate service.
- 4.2 **Option 2:** Decommission the service. Although the Beach Lifeguard Service is non-statutory, is it a requirement for the Blue Flag/Quality Coast Awards. Decommissioning the service would also remove the positive benefit to residents and visitors that the water safety services provide.

5 Consultation Undertaken or Proposed

- 5.1 Consultation was undertaken with key departments, Cabinet members and with other known providers in the area.

6 Implications

Issue	Implications
Corporate Plan	<p>A Borough To be Proud of - Enhance the Borough's economic and tourism offer</p> <p>A Community to be Proud of - Encourage active communities and support the voluntary sector</p> <p>A Council to be Proud of - Improve residents' perceptions and customers' experiences</p>
Financial, Resource and Property	<p>The cost of the contract will be covered by the existing budget held in Seafronts cost centre. 16-17 budget was £39,200 and the expected value of the new contract will be £39,632 plus VAT for 17/18. The RNLI contract includes a set inflationary rise per year at 2% or RPI index whichever is the greatest.</p> <p>Leisure and legal staff time is required to complete the contract. Leisure staff time is required for continuous monitoring of the contract conditions.</p>
Legal and Statutory	<p>The Procurement Regulations stipulate what is required to comply with EU procurement legislation. The VEAT was used as a mechanism to award the contract on the basis of no other suitable contractors being identified.</p>
Crime and Disorder	<p>The RNLI lifeguards are predominately there for water safety however part of their work is to discourage anti-social behaviour relating to the water e.g. inappropriate use of powered crafts etc. They also provide a visible presence on the seafronts during peak use and can report/provide evidence for incidents of crime or ASB on the beaches.</p>
Sustainability	<p>No sustainability issues have been identified.</p>
Health and Wellbeing	<p>The service provides safety measures to protect residents from harm.</p>
Risk Management and Health and Safety	<p>The service forms part of the Council's risk assessment of the beaches it owns/operates and as a result reduces the risks of harm.</p> <p>The contractor provides experience, advice and inspection of the sites they cover and provides beach management procedures, protocols and risk assessments as part of the contract.</p>
Equality and Diversity	<p>No equality issues are identified as a result of implementing this service. The location/positioning of the lifeguard stations makes them visible for all to access help/support and do not create obstructions. Employment via the service is open to all residents.</p>
Social Value	<p>RNLI as an organisation provide voluntary opportunities and local</p>

	employment as part of the contract. They provide locally run training sessions and support local swimming and lifeguard sports clubs. Their lifeguards are registered first responders with the ambulance service meaning they can get to incidents on or around the seafront quicker often than the emergency services.
Commissioning and Procurement	The Commissioning and Procurement team advised and undertook the administration of issuing the VEAT. They will also assist the final clause wording for the contract.

7 Appendices

7.1 There are no appendices to this report.

8 Background Papers

8.1 Cabinet report for the award of the initial contract to RNLI on 6 February 2013.